

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Request for Continued Examination

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the September 30, 2010 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

2. Discussion of Amendments

By way of the amendment instructions above, pending claim 1 has been amended so as to emphasize various attributes of the invention as shown by FIGS. 1(a)-(e) and described in the originally filed specification at page 12, line 23 through page 13, line 2.

Claim 17 has been added and is based on the subject matter originally disclosed on page 12, lines 23-25.

Therefore, following entry of this amendment, claims 1-12 and 17 will remain pending herein for which favorable action on the merits is solicited.

3. Response to 35 USC §103(a) Rejections

The only issues remaining to be resolved in this application are the Examiner's rejections advanced under 35 USC §103(a). Specifically, the Examiner has repeated her prior rejection of claims 1-3 and 6-12 under 35 USC §103(a) as allegedly being unpatentable over Harpell et al '804 (USP 5,135,804) in view of Ward (USP 5,628,946), as well as the rejection of claims 4 and 5 over Harpell et al '804 and Ward and further in view of Harpell et al '273 (USP 4,455,273). Applicants respectfully suggest that none of

the applied publications is appropriate as a reference against the presently claimed invention.

Applicants note at the outset that according to an aspect of the presently claimed invention, a part with a curved surface can be made without wrinkles *directly from a fabric* precursor. This is achieved by the presently claimed invention by positionally restraining one or more layers of a woven fabric of drawn gel-spun polyethylene fibres without a matrix material being present between a plug and a socket-shaped mould each of which is heated to an elevated temperature, and then tensioning the woven fabric by initially advancing the plug into pressing contact with a surface of the woven fabric for a time sufficient to allow the one or more layers of woven fabric to attain the elevated temperature of the plug. Thereafter the woven fabric layers are compressed by continued advancement of the plug to thereby forcibly press the one or more layers of woven fabric into the socket-shaped mould to attain a prevailing pressure of at least 0.05 MPa and temperature between 120 and 165°C and below the crystalline melting point of the polyethylene at the prevailing pressure and temperature. Significantly, at least the woven fabric in a layer situated on a loaded surface in contact with the plug comprises at least 90 wt% of polyethylene fibres with a titre of at most 1000 denier.

Harpell et al '804 does not disclose a process of making a part with a curved surface and particularly not in a one step process directly from a fabric. On the contrary, column 3, lines 30-32 of Harpell et al '804 disclose that if a shaped article is needed to be prepared from a woven article, then a **film** prepared from the fabric as described in Harpell et al '804 will need subsequent treatment **after** being transformed to the film and hence while it is no longer a fabric in the sense of Harpell et al '804 (see for example column 4, lines 5-15).

The examiner suggests that combining Ward with Harpell et al '804 cures the deficiencies of the latter. However, Ward does not disclose manufacturing a prosthetic

joint but merely mentions that the process may be used for manufacturing of orthodontic brackets, bone implants and body armor. The insight that a prosthetic joint can be manufactured, from which during use involving sliding contact few particles are released with a size harmful for the human body, by compressing specifically a woven fabric of gel-spun UHMWPE fibres is completely lacking in Ward. Furthermore, as noted above the combination of the teachings of Harpell et al '804 and Ward would lead to a method, where first a **film** is prepared before allegedly forming a final product from this **film**. Such a method is much more complex than the present process and still misses any hint in the combined teachings that a prosthetic joint may be successfully prepared and even more that such a prosthetic joint would be successful during use as implant exposed to abrading wear due to reduction in production of particles.

Claims 1-3 and 6-12 are patentably unobvious over Harpell et al '804 in view of Ward. Withdrawal of the rejection advanced against such claims under 35 USC §103(a) is therefore in order.

Harpell et al '273 when combined with Harpell et al '804 and Ward is likewise insufficient to render obvious claims 4 and 5. Specifically, even though the fibers of Harpell et al '273 may be employed in the process of Harpell et al '804, the inadequacies of such process as discussed above would still be present. Therefore, claims 4 and 5 are likewise patentably unobvious over Harpell et al '804 and Ward when further combined with Harpell et al '273.

In view of the above, applicants suggest that all pending claims herein are allowable over the applied references of record. Early receipt of the Official Allowance Notice is therefore awaited.

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4. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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